



NTEU

The National Treasury Employees Union

NEWS

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UNION TESTIFIES TO PROTECT FEDERAL EMPLOYEES FROM PERSONAL LIABILITY

A recent Supreme Court decision "could be disastrous for federal employees and for the efficient functioning of government," said a representative of the National Treasury Employees Union (NTEU) testifying today before Congress.

Lois G. Williams, NTEU Director of Litigation, told the House Subcommittee on Administrative Law and Governmental Relations that, while NTEU accepts the Court's reasoning on sovereign immunity, it has serious doubts about practical applications of the decision in Westfall v. Erwin. "The decision will protect those employees who exercise discretion, but those with no power, who just follow orders, still will be personally liable for actions taken on the job," said Williams.

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Liability

Add One

The union supports the concept of the Justice Department's proposed bill to remedy these personal liability problems. It suggests changes in the bill's language, however, "to clarify that when a remedy is unavailable under the Federal Tort Claims Act, there is still a bar to an action against an individual federal employee," said Williams.

Williams cited the example of Internal Revenue and Customs Service employees, represented by NTEU, as being particularly vulnerable to harassment lawsuits from the public. "We want to avoid the spectre of these people having to defend against lawsuits predicated on the belief that this amendment does not cover them," said Williams.

NTEU also raised concerns over the appearance of conflict of interest if the Attorney General has sole discretion to certify that an employee was acting within the scope of his or her employment.

NTEU represents 130,000 federal employees in Treasury, the Health and Human Services Department, the Energy Department and other federal agencies.